IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4820 OF 2005

Sudhakar Shriram Mancharkar ..... Applicant

Versus

The State of Maharashtra ..... Respondent

Ms. Sangeeta Chaudhari i/b Mrs. Revati Mohite-Dere Advocate for Applicant.

Mr. S.V. More, A.P.P. for the State.

CORAM : ABHAY S. OKA, J.

DATE : 28TH AUGUST, 2006

P.C.

1) Heard Advocate appearing for the Applicant. The Applicant has been convicted by the learned Judicial Magistrate First Class for offence under Section 506 of the Indian Penal Code. The appeal preferred by the Applicant against the order of conviction has been admitted by the Sessions Court and by suspending the substantive sentence, the Applicant has been enlarged on bail.

2) Thereafter an application was made by the

Applicant in the pending appeal for suspension of order of conviction. The said aplication has been rejected by the learned Additional Sessions Judge, Pune by order dated 29th June, 2005.

3) The learned Advocate for the Applicant submitted that the Applicant has a good case on merits in the pending appeal. She submitted that on the basis of order of conviction, Show Cause Notice has been issued on 28th March 2005 by the Zilla Parishad calling upon the Applicant to show cause as to why he should not be removed from the service. She submitted that a case was made out before the Sessions Court for suspending the conviction.

4) I have considered the submissions made by the Advocate appearing for the Applicant. Considering the nature of prosecution case which is established against the Applicant, it is obviously not a case where the conviction should be suspended. Therefore no fault can be found with impugned order. However, the pending appeal preferred by the Applicant deserves to be expedited.

5) Application is rejected. However, the Sessions Court is directed to expedite the hearing of Criminal Appeal No. 248 of 2004. The Appeal shall be disposed of as early as possible and in any event on or before 28th February 2007.

(ABHAY S. OKA, J.)